

Beaver County
Beaver, UT 84713
February 10, 2003

The Board of County Commissioners met on February 10, 2003 at 10:00 a.m. for its regularly scheduled meeting. Those present were William L. Dalton, Chairman; Mark S. Whitney, Member; Patrick R. Yardley, Member; Von J. Christiansen, Attorney; Bryan L. Harris, Commission Assistant; and Paul B. Barton, Clerk/Auditor.

Minutes of the January 6, 2003 meeting were read. It was moved by Comm. Yardley, seconded by Comm. Whitney and unanimously passed to approve the minutes.

Appointments to Service District #1 Board were discussed. It was moved by Comm. Yardley, seconded by Comm. Whitney and unanimously approved to appoint Brent Edwards to a term of 3 years to expire on December 31, 2005. Mr. Edwards is replacing Conrad Grimshaw.

The property tax abatement for Lola Bridge was discussed. This involves tax years 1999 to 2001. It was moved by Comm. Yardley, seconded by Comm. Whitney and unanimously approved to abate penalties and interest on parcel #5-8-2 and property tax in the amount of \$582.55. Ms. Bridge will be responsible for the remainder of the bill in the amount of \$582.55.

Steve Atkin, from Beaver City, met with the Board to discuss a bill sent by Beaver City for the purchase and installation on a sewage grinder. The total bill was \$24,120.03. It was moved by Comm. Whitney, seconded by Comm. Yardley and unanimously approved to authorize the Clerk to negotiate with Beaver City on the bill.

H.E. Griffiths met with the Board to discuss the property taxes on Parcel #2-127-2. Mr. Griffiths requested that the Board abate the penalties and interest. Mr. Griffiths sold the property and had to repossess it. The tax remained unpaid during the contract and also includes personal property attached during 1999. It was moved by Comm. Whitney, seconded by Comm. Yardley and unanimously approved to abate the personal property tax in the amount of \$692.95 because the personal property did not belong to Mr. Griffiths and adjust the penalty and interest to correspond with the outstanding amount of property taxes.

A possible property acquisition for the Milford road shed was discussed. Comm. Whitney explained a map and approximate costs. The property contains approximately 1.7 acres. It was moved by Comm. Yardley, seconded by Comm. Whitney and unanimously approved to authorize Comm. Whitney to negotiate the purchase of the property to a maximum of \$16,000.00.

The Board discussed a Memorandum of Understanding Reached Between Special Service District #3 and Milford Valley Hospital. The Board thanked Mr. Christiansen and Mr. Harris for their efforts in the issue. No action was taken.

Comm. Whitney presented the annual audit of the Southwest Center for the year ending June 30, 2002.

A letter from the Civil Air Patrol was discussed. The Patrol was requesting a donation of \$1,000.00. The Patrol assists the Sheriff and Search & Rescue in their activities. It was moved by Comm. Whitney, seconded by Comm. Yardley and unanimously approved to donate \$1,000.00.

Leo G. Kanell, Deputy Attorney, met with the Board to discuss an interlocal agreement and an ordinance re: the handling and protection from hazardous materials. It was moved by Comm. Whitney, seconded by Comm. Yardley to approve Resolution No. 2003.02, a resolution approving the interlocal agreement for cooperative hazardous material protection and services and to approve Ordinance No. 2003-01 an ordinance authorizing recovery of expenses incurred in responding to hazardous material emergencies.

It was moved by Comm. Yardley, seconded by Comm. Whitney to authorize the purchase of property next to the Milford Hotel for \$10, 185 and for Mr. Kanell to make arrangements to close on the sale of the property.

Shirley Howard, Lucille Strong, and Bonnie Ames met with the Board to report on the activities of the DUP Museum. The historic courthouse feasibility study was also discussed.

Keith Dotson met with the Board to request the county help in conducting an air quality test for the Milford Flat. A letter will be sent to Mr. Dotson informing him that the State of Utah is charged with the responsibility of protecting air quality.

Betty Miller met with the Board to report on the activities of the Travel Council. The Council made a donation to the Special Olympics that was held in Beaver on Feb. 6-8, 2003.

Sheriff Ken Yardley and Lt. Keith Draper met with the Board to discuss a plan to assist Iron County in the state inmate census in the Iron County jail. Comm. Whitney discussed the results of a meeting he attended at the Legislature in which Beaver County was asked to give up 1-2 inmates. The matter was referred to Sheriff Yardley for action.

Blake Smith and Craig Davis met with the Board on an appeal of a Planning Commission decision to deny a conditional use permit to set up a gravel pit on Mr. Smith's property northeast of Beaver. Mr. Christiansen made a statement declaring that he had advised Comm. Yardley to excuse himself from the decision and the debate because he is the brother-in-law of Mr. Smith. Comm. Yardley left the room during the proceedings. Mr. Christiansen also advised Mr. Smith that the burden of proof was on him to show that the Planning Commission had made an error in denying his application for a conditional use permit. Mr. Smith made a statement re: the appeal and asked if other applicants had the same notice requirements. Mr. Davis stated that all applications have the same requirements. Mr. Davis reviewed the reasons the Planning Commission stated to deny the application. Mr. Smith reviewed reasons for why the Planning Commission had erred. His comments centered on the vote of the Planning Commission. The Planning Commission voted 4 to 2 to deny the application. Dean Mackelprang stated that he was still concerned about the noise, dust and look of the gravel pit. Mr. Smith made an allegation of a conflict of interest with one member of the Planning Commission. Other citizens in attendance were Larry Utterback, Sandra Utterback, Lewis W. Corwin, Dolores Robinson Corwin, Catherine Baggs, Yvonne Thompson, Wayne Thompson, Bryan Graham, Sherrie Graham, Hazel Larsen, Betty Anderson, Linda Williams, Gary Williams, Dean Mackelprang, Kathy Mackelprang, Julia Moore, Donald Moore, Gina A. Martin, Betty Miller, Ursula Carstensen and David Bradshaw. After the discussion, it was moved by Comm. Whitney to uphold the decision of the Planning Commission and deny the conditional use permit. The chair was passed to Comm. Whitney and Comm. Dalton seconded the motion. The chair was passed back to Comm. Dalton. All voted in favor of the motion. After this action, Comm. Yardley returned to the meeting.

Maureen Beutler, Shirlene Willden, Karma Mitchell, Rita Amezcua, and Tina McMullin met with the Board to discuss compensation issues related to their employment. No action was taken.

The reorganization of the Board and commission assignments were discussed. It was moved by Comm. Yardley, seconded by Comm. Whitney and unanimously approved to appoint Comm. Dalton as chairman and to make the following assignments:

Administration	Comm. Yardley
Council on Aging	Comm. Dalton
Fair Board	Comm. Dalton
Five County A.O.G.	Comm. Yardley
Human Services	Comm. Whitney
Library Board	Comm. Whitney
Planning & Zoning	Comm. Dalton
Public Safety & Corrections	Comm. Whitney
Service District #1	Comm. Dalton
Service District #2	Comm. Whitney
Service District #3	Comm. Whitney
Elk Meadows Service District	Comm. Yardley
Road Department	Comm. Dalton
Service District #5 - Solid Waste	Comm. Yardley
Southwest Public Health	Comm. Whitney
Southwest Center - Mental Health	Comm. Whitney
Travel Council	Comm. Yardley

Bills on file were approved for payment.

There being no further business, the meeting was adjourned.

APPROVED _____

Chairman

Clerk/Auditor

Beaver County
Beaver, Ut 84713
February 18, 2003

The Board of County Commissioners met on February 18, 2003 at 1:00 p.m. for its regularly scheduled work meeting. Those present were William L. Dalton, Chairman; Mark S. Whitney, Member; Patrick R. Yardley, Member; Von J. Christiansen, Attorney; and Paul B. Barton, Clerk/Auditor.

Congressman Chris Cannon met with the Board to discuss issues important to the Board. The Congressman talked about issues related to energy development, Bureau of Land Management, wilderness, mormon cricket abatement, etc. The Congressman addressed the Minersville Lake property. He stated that a bill in congress will not be passed until at least September, 2004. He will work on the issue on the House side and Senator Robert Bennett on the Senate side.

At this time the roll was called with the following people present: Comm. Dalton, Comm. Whitney, Comm. Yardley, Mr. Christiansen and Mr. Barton.

The Board met with a delegation to consider the adoption of a Resolution of Intent to issue industrial revenue bonds on behalf of BEST BioFuel, LLC. Those present were Jon Bronson and Johnathan Ward from Zions Bank Public Finance; Brian Mauldwin, Eric Jacobson and Warren Peterson from Circle Four Farms; James D. Reynolds from Blount Parrish Investment Bankers; and Madison Verret from BioFlame, LLC. Mr. Bronson made introductions. Mr. Mauldwin explained the project. BioFuel is requesting the County issue industrial revenue bonds to help finance the construction of a BioMethanol Plant. The pig manure from the farms on the Milford Flat will be piped to the new plant to make biomethanol. The biomethanol will then be trucked to a biodiesel plant to be changed to biodiesel for delivery for use in trucks. Mr. Bronson explained the process of a conduit financing that is being requested. Mr. Reynolds explained the purpose of the intent resolution and stated that the issue would be backed by a letter of credit from an investment grade bank. Mr. Bronson recommended that the resolution be passed with the letter of credit requirement from an investment grade bank, the transaction be subject to a 10-B-5 legal opinion in the disclosure document, and the County will be able to charge a modest administrative fee. It was moved by Comm. Whitney to authorize the Chairman to sign the Resolution No. 2003-03 - A Resolution Expressing Official Intent Re: Certain Capital Expenditures to be reimbursed from Proceeds of an Obligation subject to the provisions that the issue be backed by a letter of credit from an investment grade bank, the transaction be subject to a 10-B-5 legal opinion in the disclosure document; and the County be allowed to charge a modest administrative fee over and above its costs. The motion was seconded by Comm. Yardley. Votes for: Comm. William Dalton, Comm. Mark Whitney, Comm. Patrick Yardley. Votes against: None.

Mr. Christiansen discussed a settlement agreement re: property taxes with Intermountain Power Agency. The matter was tabled to the March 3, 2003 meeting to allow Mr. Christiansen a chance to review the issue with the Millard County Attorney.

A payment request on the M&M road project on engineering services was reviewed. It was moved by Comm. Whitney, seconded by Comm. Yardley and unanimously approved to authorize the Chairman to sign the request for Jones & DeMille Engineering.

There being no further business, the meeting was adjourned.

APPROVED _____
Chairman

Clerk/Auditor
